

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KIMBERLY C. CUTONE and)	
ANTHONY CUTONE,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 1:04-cv-12725 (JLT)
)	
ELI LILLY AND COMPANY, <i>et al.</i>,)	
)	
<i>Defendants.</i>)	

**STIPULATION OF DISMISSAL WITH PREJUDICE OF
DEFENDANT PHARMACIA & UPJOHN COMPANY LLC**

Plaintiffs, Kimberly C. Cutone and Anthony Cutone, and Defendant, Pharmacia & Upjohn Company LLC f/k/a The Upjohn Company ("Upjohn") have reached a confidential settlement of the above-captioned case, and as part of the terms of the settlement, the parties have agreed to the dismissal with prejudice of the above-captioned case in its entirety as to Defendant Upjohn only. Further, Plaintiffs and Defendant Upjohn have agreed that Plaintiffs and Defendant Upjohn will bear separately all attorneys' fees and costs arising from the actions of their respective counsel in connection with the above-referenced matter.

WHEREFORE, Plaintiffs and Defendant Upjohn, through their respective counsel, jointly move this Court to dismiss the above-captioned case with prejudice as to Defendant Upjohn only, each party to bear its own attorneys' fees and costs.

Respectfully submitted,

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